



IPW

Docket No.: KPO-004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Ryoichi OKUYAMA et al : Confirmation No. 1795
U.S. Patent Application No.: 10/594,702 : Group Art Unit: 1795
Filed: September 28, 2006 : Examiner Amanda J. BARROW
For: **ELECTRIC AUTOMOBILE**

RESPONSE TO THE RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement of October 15, 2009, the applicants elects Species 1, on which claims 48 and 53 are readable, and which is drawn to a hydrogen generating device having neither means for withdrawing electric energy to outside from a hydrogen generating cell, nor means for providing electric energy from outside to the hydrogen generating cell. Claims 47, 51-52 and 58-77 are deemed generic.

This response is made without traverse. Nevertheless, if the Examiner wishes to maintain this position, then it is courteously requested that the same standard of patentability also be applied to any art that is cited against the claims during substantive examination to avoid the impropriety of a dual standard of patentability. It is also pointed out that maintaining this position also allows each of the non-elected species to be separately prosecuted with protection under § 121 from any double patenting rejection.

Please examine the application.

Respectfully submitted,

KANESAKA BERNER & PARTNERS

Keith Townsend (Reg. No. 40,358)
for Manabu Kanesaka (Reg. No. 31,467)

1700 Diagonal Road, Suite 310
Alexandria, Virginia 22314
(703) 519-9785 MAN/KT/yid
Facsimile: (703) 519-7769
Date: November 13, 2009